

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

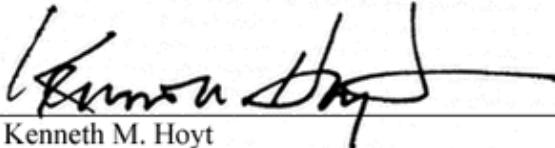
CYBERONICS, INC. §  
§  
Plaintiff, §  
VS. § CIVIL ACTION NO. H-07-121  
§  
WELLS FARGO BANK NATIONAL §  
ASSOCIATION, §  
§  
Defendant. §

**ORDER GRANTING EXTENSION OF TIME TO FILE AFFIDAVIT**

On consideration of the Agreed Motion for Extension of Time to File Affidavit filed by Plaintiff/Counter-Defendant Cyberonics, Inc. (“Cyberonics”) and Defendant/Counter-Plaintiff Wells Fargo Bank, N.A., as Trustee Under Indenture (“Wells Fargo”), the Court is of the opinion that the motion is meritorious and should be GRANTED.

IT IS THEREFORE ORDERED that the deadline for Cyberonics to file its affidavit in support of its request for attorneys’ fees is extended to and including July 2, 2007.

SIGNED and ENTERED this 27th day of June, 2007.



Kenneth M. Hoyt  
United States District Judge